

## REMARKS

### Proposed Claim Amendments

The claims have been amended pursuant to 37 CFR 1.116 to place the application fully in condition for allowance by incorporating into claims 1 and 12 certain features previously recited in claim 3 which are believed by Applicant to have constituted at least a portion of what the examiner regarded as allowable subject matter.

More specifically, claims 1 and 12 have been amended to include the side walls and the top wall of the cavity defining elements and further wherein the top wall, side walls and the hardened concrete layer constitute an open volume (i.e., the cavity). Claim 1, moreover, includes the air hole in the cavity defining element that was previously recited in claim 3. Claim 12 now recites the cavity defining elements as comprising side walls and a top wall defining an open volume between the side walls, top wall and hardened concrete layer.

Support for the proposed amendments is found in the drawings as originally filed and throughout the original written description, in particular the last full paragraph on page 9 of the description.

New claim 17 constitutes claim 3 rewritten in independent form.

### Claim Objections

The informalities in claims 1-13 objected to by the examiner have been cured by the currently proposed amendments.

### Claim Rejections – 35 USC §102

The indefiniteness in claim 7 mentioned by the examiner has been cured by the currently proposed amendments.

Withdrawal of the rejection of claim 7 under 35 USC §112 is believed to be appropriate and the same is respectfully requested.

### Claim Rejections – 35 USC §102

The rejections of claims 1-2 and 4-13 as anticipated by Corran (U.S. 3,557,551) appears to reflect the examiner's belief that the claims are sufficiently broad so as to be readable on the Corran structure. In particular, the examiner appears to interpret the downwardly extending ribs 98 of Corran with Applicant's cavity defining elements that are

anchored in the hardened concrete layer. Moreover, the examiner appears to equate the panels 14 with Applicant's recited reinforcement elements embedded in and extending at least partially upwardly from the hardened concrete.

While Applicant regards the examiner's interpretation of the structural elements of Corran as somewhat of a stretch of logic, claims 1 and 12 have been amended to incorporate features previously recited in claim 3, namely that the cavity defining elements comprise one or more side walls and a top wall, and define an open volume (i.e., the cavity) between the side walls, top wall and the hardened concrete layer.

Applicant submits that the proposed language clearly differentiates claims 1 and 12 over the structural rib elements of Corran and the plates 14, none of which can be regarded as defining any kind of open volume or cavity between side walls, a top wall and the hardened concrete layer.

Claim 1 furthermore is distinguishable over Corran in reciting at least one air hole in the cavity defining element.

In view of the proposed amendments to claims 1 and 12, Applicant submits that the application has been placed fully in condition for allowance without raising new issues that would require detailed consideration or further search. As noted previously, the elements added to claims 1 and 12 essentially were previously recited in claim 3, and have been considered by the examiner.

New claim 17 represents claim 3 rewritten in independent form, which the examiner indicated contained allowable subject matter. Accordingly, claim 17 does not introduce any new issues requiring further consideration or search on the part of the examiner.

Claims 4-13 are patentable at least on the basis of the patentability of claims 1 and 12, from which they depend.

In view of the amendments presented herein and the comments above, withdrawal of the rejections of claims 1, 2 and 4-13 is appropriate and the same is respectfully requested. Likewise, the objection to claim 3 is now moot in view of the introduction of claim 17 that represents claim 3 rewritten in independent form.

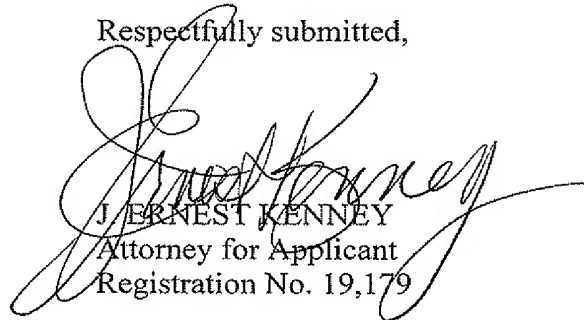
Applicant submits that entry of the amendment is appropriate under 37 CFR 1.116 because the examiner will not be required to give detailed consideration to the new proposed amendments to the claims nor will any search be required as a result of the amendments. The amendments were not previously presented because Applicant was unaware of the

examiner's interpretation of the primary reference Corran cited for the first time in the last Office Action.

The application having been placed fully in condition for allowance, its passage to issue is respectfully requested.

BACON & THOMAS, PLLC  
625 Slaters Lane, 4<sup>th</sup> Floor  
Alexandria, VA 22314-1176  
Phone: (703) 683-0500  
Facsimile: (703) 683-1080  
Date: July 1, 2009

Respectfully submitted,



J. ERNEST KENNEY  
Attorney for Applicant  
Registration No. 19,179